

E-Government Policy

PURPOSE

The purpose of the City Web Site is to provide information of the City's choosing to the public in order to conduct the City's business and promote the City's goals as guided by the City Council. The City's Web sites and the selection of sites to which any of them may be linked is not intended to serve as a forum for free discussion. Ample facilities for free expression are available both on the Internet and in the physical world. Instead, the City's Web Site is intended to serve the City's need to make useful and practical information available to residents, businesses, and visitors which facilitates provision of a City service or furthers another specifically articulated purpose of the City.

SCOPE OF APPLICATION

This policy is applicable to the City's Web Site, which is defined as any internet or intranet webpage which represents itself as the City of San Jose or any of its departments, except that of the Library, as to which a separate policy shall apply.

POLICY

1. Development of Content

Content to be placed on the City Web Site shall be approved for posting by an authorized member of City staff to promote City goals whenever possible. The City Manager and other City Council appointees are authorized to develop specific content guidelines consistent with this Policy.

2. Political Speech

No public funds will be used to support or oppose a local or statewide ballot measure, and, further, that no public funds will be used for any campaign for public office.

3. Commercial Speech / Advertising

The City does not allow any commercial advertising on its Web Site.

4. Commercial Speech / Media Contacts

The City does not allow any links to any media sites from its Web Site.

5. Linking

The City will link to sites of its choosing which contain data regarding the City and the Bay Area, its residents, businesses, and visitors, if linking to the site furthers a specific purpose of the City that is articulated in an official written expression of City policies or purposes. These links are provided to further City purposes and not as a benefit to the linking party. No party shall have a right to place a link on any City site by virtue of this policy.

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“Specifically articulated purposes of the City” are those purposes that are set out in official policy documents of the City. Specifically articulated purposes of the City that could be furthered by providing a link on a City Web site include (but are not limited to):

- The promotion of the use of City facilities and services by links to entities that have contracted to utilize City facilities.
- Making known the availability of services to visitors and citizens by linking to entities that have contracted with the City to provide such services
- Making available information about the organizations in which the City itself maintains a membership.
- The promotion of the internationalization of San Jose by ensuring that the City competes effectively in the global economy, enhances its international profile, draws fully on its diverse multi-ethnic heritage and takes full advantage of international opportunities.
- Creation of an economically vibrant city by drawing upon the City’s competitive assets through the City’s relationship with organizations such as Chambers of Commerce, city-to-city committees, sister cities, international and domestic trade service organizations and other organizations to promote trade, investment and cultural activities.
- Facilitating access to education and health care by providing information about major educational and medical facilities within or nearby the City.

The City recognizes that some of the sites the City will provide links to may or may not be subject to the Public Records Act and may or may not be subject to other sections of California Code or Federal law. Visitors to such sites are advised to check the privacy statements of such sites and to be cautious about providing personally identifiable information without a clear understanding of how the information will be used.

a. Policy Guidelines for Implementation of Linking Policy

The City Manager shall establish an administrative policy governing what sites may appear as links on the City Web Site to be implemented in accordance with the following guidelines:

- Links may be established to direct providers of services on behalf of the City where the City Manager determines that the link will be useful or beneficial in providing the services.
- Links may be established to indirect providers of information and/or services that are beneficial to established municipal goals, policies and/or programs where the City Manager determines that the link to the provider will enhance the ability to achieve the goals, policies and or procedures. In exercising the discretion to establish the link the City Manager may consider the effect on the City website including issues of available space, amount of clutter and required degree of maintenance.
- Links may be established to technology providers that provide software products online that are necessary for website visitors to access information or services on the City’s website (Adobe Acrobat and Microsoft Windows Media Player).

The following factors should be considered in determining if a particular link would serve a specific articulated purpose of the City:

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- Whether the mission of the organization closely align with the accomplishment of a City objective, such that adding the link is helpful in meeting the City's goals.
- Whether the organization's role as a business partner, contractual partner, or ongoing user of a City facility, is such that the City benefits from promotion of the organization through the link.
- Whether there is such an abundance of potential links of this nature that a comprehensive list is unreasonable to maintain, and a representative sample would be more useful to a user of the City's Web site.

6. Privacy and Disclosure

The purpose of this statement is to define the City of San Jose's policy with regards to the collection and use of personally identifiable information (PII). PII is any information relating to an identified or identifiable individual who is the subject of the information.

The City of San Jose collects two kinds of customer information: (1) anonymous; (2) personally identifiable information (PII).

a. Anonymous information: This type of information does not identify specific individuals and is automatically transmitted by your browser. This information consists of:

- The URL (Uniform Resource Locator or address) of the web page you previously visited;
- The domain names and/or IP addresses which are numbers that are automatically assigned to your computer whenever you are connected to the Internet or World Wide Web.
- The browser version you are using to access the site.

This information is used to help improve the City's Web Site. None of the information can be linked to an individual.

b. Personally Identifiable Information (PII): This type of information could include name, address, email, address, telephone number, credit/debit card information. The City will make every reasonable effort to protect your privacy. It restricts access to your personal identifiable information to those employees who will respond to your request. The City does not intentionally disclose any personal information about our customers to any third parties or outside the City except as required by law or by the consent of the person providing the information. The City only collects personally identifiable information that is required to provide service. You can decline to provide us with any personal information. However, if you should choose to withhold requested information, the City may not be able to provide you with the online services dependent upon the collection of that information.

- **Access to Personally Identifiable Information:** Access to personally identifiable information in public records at local levels of government in San Jose is controlled primarily by the California Public Records Act (Government Code Section 6250, et. seq.). Information that is generally available under the Public Records Act may be posted for electronic access through the City's web site. While the Public Records Act sets the general policies for access to

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City records, other sections of the California code as well as federal laws also deal with confidentiality issues.

- **Email addresses:** Email addresses obtained through the City's Web Site will not be sold or given to other private companies for marketing purposes. The information collected is subject to the access and confidentiality provisions of the Public Records Act, other applicable sections of the California code as well as Federal laws. Email or other information requests sent to the City Web Site may be maintained in order to respond to the request, forward that request to the appropriate agency within the City, communicate updates to the City page that may be of interest to citizens, or to provide the City web designer with valuable customer feedback to assist in improving the site. Individuals can cancel any communications regarding new service updates at any time.
- **Use of "Cookies":** Some City applications use "cookies". A cookie is a small data file that certain web sites write to your hard drive when you visit them. A cookie file can contain information such as a user id that the site uses to track the pages you have visited. But the only personal information a cookie can contain is information you supply yourself. A cookie is only a text file and cannot read data off your hard disk or read cookie files created by other sites. Cookies can track user traffic patterns, recognize your computer's browser when you return, and could provide personalized content without requiring sign-in. You can refuse cookies by turning them off in your browser. However, they may be required to use some of the web applications on the City's site.
- **Security:** The City of San Jose is committed to data security and the data quality of personally identifiable information that is either available from or collected by the City's Web Site and has taken reasonable precautions to protect such information from loss, misuse, or alteration.

7. Contractual Services for the City's Web Site and On-Line Services

To insure that contractors who have access to or provide contractual services for the City's On-Line (e-government) Services are not allowed to re-sell or in any way share or convey to another party or use it for another purpose any information that they may have access to in the course of doing business for the City; all city contracts regarding such services should contain a requirement that the contractor must comply with the City's Web Site and e-Government policies.

8. Electronic Signatures and Payments

The City of San Jose is committed to data security and the data quality of personally identifiable information that is either available from or collected by our web site and has taken reasonable precautions to protect such information from loss, misuse, or alteration. When a City application accepts credit cards or any other particularly sensitive information for any of its services, it encrypts all ordering information, such as your name and credit card number, in order to protect its confidentiality.

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9. Disclaimer

The City of San Jose is neither responsible nor liable for any delays, inaccuracies, errors or omissions arising out of your use of the Site or with respect to the material contained on the Site, including without limitation, any material posted on the Site nor for any viruses or other contamination of your system. The City Site and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitations, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The City of San Jose is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the Site and/or the materials contained on the Site whether the materials contained on the Site are provided by the City of San Jose or a third party. The City of San Jose is neither responsible nor liable for any viruses or other contamination of your system.

10. Access to Information

Unless otherwise prohibited by state or federal law, rule or regulation, you will be granted the ability to access and correct any personally identifiable information. The City will take reasonable steps to verify your identity before granting such access. Each City service that collects personally identifiable information will allow or review and update of that information.

11. Non-City Web Sites

Non-city web sites may be linked through the City's web site. Many non-city sites may or may not be subject to the Public Records Act and may or may not be subject to other sections of the California Code or federal law. Visitors to such sites are advised to check the privacy statements of such sites and to be cautious about providing personally identifiable information without a clear understanding of how the information will be used.

The City is not responsible for, and accepts no liability for, the availability of these outside resources. Linked Web sites are not under the control of, nor maintained by, the City and the City is not responsible for the content of these Web sites, which can and do change frequently; nor for any internal links the displayed Web sites may contain. In addition, inclusion of the linked Web sites does not constitute an endorsement or promotion by the City of any persons or organizations sponsoring the displayed Web sites.

12. Disabled Access

The City's website will maintain compliance with accepted disability access design standards to ensure that people with disabilities can easily access City information.

*Approved by the City Council
March 4, 2003*